

**OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.**

ATTORNEYS AT LAW

FOURTH FLOOR  
1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VIRGINIA 22202 U.S.A.

(703) 413-3000

(703) 413-2220 FACSIMILE

OBLONPAT@OBLON.COM

WWW.OBLON.COM

PATENT, TRADEMARK AND COPYRIGHT LAW  
AND RELATED FEDERAL AND ITC LITIGATION



Docket No.: 0018-0971-0 PCT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: Application Serial No.: 08/809,723  
Applicant(s): HIDENORI OHKI ET AL  
Filing Date: MAY 21, 1997  
For: CYCLIC HEXAPEPTIDES HAVING ANTIBIOTIC ACTIVITY  
Group No.: 1654  
Examiner: MARSHALL  
CPA Filed: FEBRUARY 8, 1999  
Date Allowed: MARCH 17, 1999

SIR:

Attached hereto for filing are the following papers:

**EXECUTED DECLARATION UNDER 37 C.F.R. §1.132**

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

\_\_\_\_\_  
Norman F. Oblon  
Registration No. 24,618  
Attorney of Record

Robert W. Hahl, Ph.D.  
Registration No. 33,893

NORMAN F. OBLON  
MARVIN J. SPIVAK  
C. IRVIN McCLELLAND  
GREGORY J. MAIER  
ARTHUR I. NEUSTADT  
RICHARD D. KELLY  
JAMES D. HAMILTON  
ECKHARD H. KUESTERS  
ROBERT T. POUS  
DAVID J. KERA  
CHARLES L. GHOLZ  
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ROBERT F. GNUSE  
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JEFFREY H. KAUFMAN  
BRIAN D. ANDERSON  
ROBERTA S. BREN  
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RICHARD L. TREANOR, PH.D.  
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JEFFREY B. MCINTYRE\*  
PAUL E. RAUCH, PH.D.

GERALD I. MOSSINGHOFF  
#19  
AMW  
06-16-00  
MILTON STERMAN  
SAMUEL H. BLECH\*  
JOHN O. TRESANSKY\*  
ALTON D. ROLLINS  
JAMES R. BOLER\*  
HARRIS A. PITLUCK\*  
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CARLOS R. VILLAMAR\*  
DAVID A. BILODEAU\*  
STAMATIOS MYLONAKIS, PH.D.\*  
ROBERT C. MATTSON\*

\* BAR MEMBERSHIP OTHER  
THAN VIRGINIA  
† JAPANESE PATENT ATTORNEY  
\* REGISTERED PATENT AGENT

18-971-0 PCT



#19

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

HIDENORI OHKI ET AL

: EXAMINER: MARSHALL

SERIAL NO. 08/809,723

:

FILED: MAY 21, 1997

: GROUP ART UNIT: 1654

FOR: CYCLIC HEXAPEPTIDES HAVING  
ANTIBIOTIC ACTIVITY

DECLARATION UNDER 37 C.F.R. §1.132

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Now comes Mr. HIDENORI OHKI, who deposes and states:

1. That I am a graduate of Hiroshima University, Faculty of Science, and received a Master of Science degree in the year 1988.
2. From 1988 to the present, I have been employed by the Fujisawa Pharmaceutical Co., Ltd., Osaka, Japan, as an organic chemist, and I am now a Senior Research Chemist of the Medicinal Chemistry Research Laboratories.
3. That the following observations and experiments were made and carried out by me or under my direct supervision and control.

Data on the compound of Example 25 is provided below. The compound was assayed in the same manner as described in page 43 of the specification (with regard to Example 17), as follows:

Test 1 (Antimicrobial activity):

*In vitro* antimicrobial activity of the compound of Example 25 was determined by the two-fold agar-plate dilution method as described below.

Test Method

One loopful of an overnight culture of each test microorganism in Sabouraud broth containing 2% Glucose ( $10^5$  viable cells per ml) was streaked on yeast nitrogen base dextrose agar (YNBDA) containing graded concentrations of the compound of Example 25, and the minimal inhibitory concentration (MIC) was expressed in terms of  $\mu\text{g}/\text{ml}$  after incubation at 30°C for 24 hours.

Test Results

Test organism	The compound of Example 25
<i>candida albicans</i> FP-633	MIC = 0.05 $\mu\text{g}/\text{ml}$

This result along with data in my previous declaration under 37 CFR 1.132 shows that the polypeptide compounds (I) of the present invention, as amended, have excellent antimicrobial activity, especially antifungal activity.

4. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

5. Further deponent sayeth not.

Hidenori Ohki

Name

Hidenori Ohki

Signature

March 11, 1999

Date

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\* BAR MEMBERSHIP OTHER  
THAN VIRGINIA  
† JAPANESE PATENT ATTORNEY  
\* REGISTERED PATENT AGENT

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